IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE CV. RAMULU

WRIT PETITION NO : 12940 of 2004

DATED: 11.7.2007

Between:

M/s Brigades Bar & Restaurent,
6-1-84/1, Khusrujung House complex
First floor, A.G Office Road,
Saifabad, Hyderabad petitioner

And

Commissioner of Prohibition & Excise
A.P. Hyderabad and another Respondents

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 12940 of 2004

ORDER:

This writ petition is filed seeking a mandamus declaring proceedings CR No.9415/2004/CPE/G1 dated 19.5.2004 as illegal and violative of Section 47 of the A.P. Excise Act (for short the Act).

There is no necessity of going into the details and it is suffice to notice that since the petitioner involved in an excise offence, the Commissioner of Prohibition and Exercise, A.P. Hyderabad compounded the offence and levied Rs.15,000/-. Aggrieved by the same this writ petition is filed.

It is the contention of the learned counsel for petitioner that under Section 47 of the A.P. Exercise Act, the maximum compounding fee that could be levied was only Rs.10,000/-, whereas the Commissioner/first respondent has levied Rs.15000/-, which is arbitrary and illegal.

Plain reading of section 47 of the Act as was existing before its amendment in the year 2005 contemplates levying of a compounding fee of Rs.10,000/- for the offence alleged. Therefore, levying of compound fees of Rs.15,000/- instead of Rs.10,000/- is ex-facie illegal. While admitting the writ petition the petitioner was directed to pay Rs.10,000/- towards compounding fee. Learned counsel for petitioner states that in obedience to the orders of

this Court, the petitioner has already paid Rs.10,000/-.

In view of the above, the impugned order dated 19.5.2004 is modified to read as levying compounding fee of Rs.10,000/- instead of Rs.15,000/-.

With the above modification, the writ petition is disposed of. No costs.

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C.V.RAMULU ,J

DATE: 11.7.2007
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THE HON'BLE MR JUSTICE CV. RAMULU

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